

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on March 5, 2008. Defendant Thibeaux appeared in person and with appointed counsel Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorney Paul Becker.

1. BACKGROUND

On December 17, 2007, an indictment was returned charging Defendant with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e)(1).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Becker announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Christopher Giles, Kansas City, Missouri Police Department.

Ms. Holloman-Hughes announced that she will be the trial counsel for Defendant Thibeaux.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Becker announced that the government intends to call seven witnesses without stipulations or five witnesses with stipulations during the trial.

Ms. Holloman-Hughes announced that Defendant Thibeaux does not intend to call any witnesses during the trial. Defendant Thibeaux may testify.

V. TRIAL EXHIBITS

Mr. Becker announced that the government will offer approximately fifteen exhibits in evidence during the trial.

Ms. Holloman-Hughes announced that Defendant Thibeaux will offer approximately ten exhibits in evidence during the trial.

VI. DEFENSES

Ms. Holloman-Hughes announced that Defendant Thibeaux will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Holloman-Hughes stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to prior felony conviction and the interstate nexus of the firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take one day to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 27, 2007, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by March 5, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, March 12, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, March 12, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on March 17, 2008. The parties request the second week of the docket.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
March 5, 2008

cc: The Honorable Gary A. Fenner
Mr. Paul Becker
Ms. Ronna Holloman-Hughes
Mr. Jeff Burkholder